

REMARKS

Introduction

Claims 1, 9, 17, 20, 23, 25 and 27 and 29 have been amended. The application continues to include claims 1-29.

Applicants appreciate Examiner Swiger taking the time to conduct a telephonic interview with Applicants' representative on April 23, 2007.

The Claims are Allowable over the Prior Art Because the Prior Art Fails to Disclose a Screw that has an Integral Yoke Portion and Threaded Insertion Portion in a Disassembled State

Claims 1, 4-6, 8, 18, 23 and 27-28 are rejected under 35 U.S.C. § 102(b) as being anticipated by Tatar (U.S. Pat. No. 5,910,142). Claims 2 and 3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tatar in view of Doubler et al. (U.S. Pub. No. 2005/0070899). Claims 7 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tatar in view of Sgier et al. (U.S. Pub. No. 2005/0171538). Claims 10-18, 17-22 and 25-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tatar in view of Ferree (U.S. Pat. No. 6,802,844). Claims 24 is rejected under 35 U.S.C. § 103(a) as being as being unpatentable over Tatar in view of Griss (U.S. Pat. No. 5,910,142). Claims 29 is rejected under 35 U.S.C. § 103(a) as being as being unpatentable over the combination of Tatar, Sgier et al. and Griss.

As discussed in during the April 23, 2007 interview, in one embodiment of the present invention threaded posts 106a, 106b are fixed relative to the threaded insertion portion 102 when the screw is in a disassembled and assembled state.

In contrast, Tatar discloses a pedicle screw assembly that, at least in its disassembled state, has a body element 120 that includes threads and that is able to rotate relative to the threaded insertion portion 100.

In contrast to Tatar and the other cited prior art, independent claim 1 recites a pedicle screw wherein "said pedicle screw comprises an integral threaded insertion portion and yoke portion, and said yoke portion comprises said threaded posts; and wherein said threaded posts are fixed relative to said threaded insertion portion **in said disassembled state.**" For at least these reasons, claim 1 should now be allowable over Tater.

Independent claims 9, 17, 20, 23, 25, 27 and 29 include similar limitations as claim 1. Based at least on the foregoing, these claims should also be allowable over Tater.

The remaining claims each depend from one of the above independent claims, and therefore should also be allowable based at least on the foregoing reasons.

Conclusion

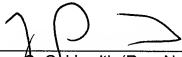
Applicants respectfully request favorable action in connection with this application.

The Examiner is invited and urged to contact the undersigned to discuss any matter concerning this application.

No fee is believed to be due for this submission. Should a fee be required, the Commissioner is authorized to charge any such fee to Womble Carlyle's Deposit Account No. 09-5028.

Respectfully Submitted,

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Barry S. Goldsmith (Reg. No. 39,690)
Womble, Carlyle, Sandridge & Rice
P.O. Box 7037
Atlanta, GA 30357-0037
703-394-2270